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CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

METRO FUEL LLC, a Delaware limited
liability company,

Plaintiff,

vs.

CITY OF SAN FRANCISCO, a municipal
corporation, COUNTY OF SAN
FRANCISCO, a subdivision of the State
of California, CITY AND COUNTY OF
SAN FRANCISCO, a chartered California
city and county and DOE 1 through DOE
10,

Defendants.

Case No. C07-6067 JSW

**DECLARATION OF DANIEL A. SIDER
IN OPPOSITION TO PLAINTIFF'S
MOTION FOR A PRELIMINARY
INJUNCTION**

Hearing Date: November 14, 2008
Time: 9:00 a.m.
Place: Courtroom 2, 17th Floor

Trial Date: October 26, 2009

1 I, DANIEL A. SIDER, declare:

2 1. I have personal knowledge of the matters stated herein, except for those matters set
3 forth on information and belief, which I believe to be true, and if called to testify, I can and will
4 testify competently as to all matters set forth herein.

5 2. I am employed as a Senior Planner in the Director's Office at the San Francisco
6 Planning Department. I have been employed in this capacity for approximately one year. Prior to my
7 employment as a Senior Planner for the Planning Department, I was employed by the San Francisco
8 Mayor's Office as the Director of City Greening. Prior to that I worked for the Planning Department
9 in a variety of roles starting in 2000.

10 3. The Planning Department is the department of the City and County of San Francisco
11 (the "City") that is charged with implementing the City's planning and zoning ordinances, including
12 Article 6 of the Planning Code, which applies to general advertising signs or billboards.

13 4. As a Senior Planner in the Director's Office, I am responsible for a number of
14 programs and issues within the Department's purview, including a wide range of short and long-term
15 activities determined by the Director of Planning and the Zoning Administrator/Deputy Director.
16 Beginning in approximately April 2008, I was assigned to manage the Department's General
17 Advertising Sign Program, which currently has two full-time staff persons (Jonathan Purvis and
18 Kimerbly Durandet) and one student design trainee (Ember Crouch).

19 5. On the morning of August 27, 2008, at approximately 7:30 a.m., I was walking east
20 along the southern side of Market Street near the intersection of Castro and Noe Streets. I frequently
21 walk along this portion of Market Street in the course of my morning walk to work. That particular
22 morning, a large truck with a lift-basket was parked at 2395-2399 Market Street, in an off-street
23 parking space typically reserved by a car-sharing service and associated with the Chevron gas station
24 located at that property. The size of the truck caused it to partially block the sidewalk.

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2 6. Immediately behind the truck, which had backed-in to the parking space, was a sign
3 structure affixed to the concrete. The structure displayed general advertising signage and was
4 visually consistent with those installed by Metro Fuel elsewhere in San Francisco. Metal conduit, of
5 the type typically used to supply electricity, had been run to the sign from a neighboring structure.
6 The structure itself appeared to be in an incomplete state. In particular, the pre-fabricated tubing and
7 base-plate appeared to lack adequate painting or other coating, while construction masking tape was
8 placed methodically around the base of the sign and on the adjacent concrete. Semi-permanent
9 ground paint, such as that typically used in construction activities, was visible around the base of the
10 sign.

11 7. The sign and associated activities arrested my attention in particular because the last
12 time I had seen that location, on the morning of August 18, 2008, no such sign was apparent to me.

13 8. Due to my position at the Planning Department, and having knowledge of Metro
14 Fuel's activities in San Francisco, I approached a workman who was kneeling at the base of the sign
15 and apparently performing some maintenance or installation activity. The workman subsequently
16 identified himself as Juana Arana, an employee of Golden Gate Sign Company, Inc., and informed
17 me that he was installing caulking. I asked Mr. Arana to show me a permit for the work that he was
18 performing. Mr. Arana informed me that while he did not have a permit, his employer did indeed
19 have one, and that I should contact his supervisor at the company's office.

20 9. Mr. Arana provided me with his business card and subsequently showed me a letter-
21 sized form on pink carbon-copy paper, which he indicated was related to the work he was performing.
22 The form appeared to be a work-order or similar document and indicated that the client for whom the
23 work was being performed was "Fuel."

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SIGNATURE ATTESTATION

(U.S.D.C. N.D. Cal. General Order 45, Section X.B.)

I obtained the concurrence in the filing of this document from the signatory of this declaration, in compliance with U.S.D.C. N.D. General Order 45, Section X.B.

Dated: August 29, 2008

DENNIS J. HERRERA
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THOMAS S. LAKRITZ
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By: /S/ .
THOMAS S. LAKRITZ

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